

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jonathan Antonio Edwards, #294306)	C/A No.: 0:09-2850-GRA
)	
Plaintiff,)	
)	
v.)	ORDER
)	(Written Opinion)
)	
Ms. Ogunsile; Mr. Medvar; Acc. Warden)	
Claytor; Acc. Warden Flo Mauney;)	
Ms. Cocciolone,)	
)	
Defendants.)	
)	

This matter comes before the Court for review of Magistrate Judge Gossett's Report and Recommendation, issued on November 23, 2009. Plaintiff filed his complaint, alleging violations of 42 U.S.C. § 1983, on November 2, 2009. The magistrate granted his motion to proceed *in forma pauperis* on November 23, 2009.

After the magistrate issued her Report and Recommendation, Plaintiff filed his objections on December 7, 2009. The magistrate recommends DISMISSING Plaintiff's complaint without prejudice and without issuance and service of process.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983).

The Court reiterates that it may only consider specific objections to the Report and Recommendation. In his objections, Plaintiff merely reargues what is found in his original complaint, along with a cursory suggestion that his mail is being tampered with and he is being poisoned. In light of the Plaintiff's failure to assert any specific objections to the Report and Recommendation, this Court is not required to respond to his general statements because "a district judge should not have to guess what arguments an objecting party depends on when reviewing a magistrate's report." *Lockert v. Faulkner*, 843 F.2d 1015, 1019 (7th Cir. 1988).

After reviewing the record, the objections, and the Report and Recommendation this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its

entirety.

IT IS THEREFORE ORDERED that Plaintiff's complaint is DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

December 10, 2009
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date of the entry of this Order, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.